IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.337 OF 2005

Kavita Sachdev .. Petitioner
V/s
Union of India & Ors. .. Respondents

Mr.S.N.Kantawala with Mr.Y.Rohira for Petitioner.
Mr.Y.S.Bhate for the Respondents.

CORAM: S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATE : 03.02.2005.

P.C.:

1. Rule. Rule is made returnable forthwith. The learned Counsel for the Respondents waives service. By consent taken up for hearing. Heard the learned Counsel for the parties.

2. The learned Counsel for the Petitioner very fairly states that the Petitioner ought to have remained present before the Settlement commissioner, but due to certain inadvertant circumstances the Petitioner could remain present before the Settlement Commissioner. The learned Counsel for the Petitioner therefore assures that the Petitioner will personally remain present before the Settlement Commissioner if the matter is remanded back to the Settlement Commissioner. Having regard to the facts and circumstances of the case, only on the limited ground that as the Petitioner was not present before the Settlement Commissioner to put forth her contentions, we quash and set aside the order of the Settlement Commissioner dated 28th October, 2004.

Matter is accordingly remanded back to the Settlement Commissioner. The Settlement Commissioner to decide the matter afresh strictly on its own merits and in accordance with law, as expeditiously as possible. The Settlement Commissioner shall afford an opportunity of personal hearing to the Petitioner. The learned Counsel for the Petitioner assures that the Petitioner will remain present before the Settlement Commissioner alongwith her Advocate, to make appropriate submissions.

3. Rule is made absolute in the above terms. Petition stands disposed of.

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